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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,409	09/10/2003	Aman Safaei	W1200-00041	5830

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EXAMINER

STIMPAK, JOHNNA

ART UNIT PAPER NUMBER

3623

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/660,409

Applicant(s)

SAFAEI ET AL.

Examiner

Johnna R Stimpak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/23/04, 12/7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a first office action upon examination of application number 10/660,409. Claims 1-35 are pending and have been examined on the merits discussed below.

#### ***Drawings***

2. The drawings are objected to because figures 2-8 are too dark. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 13, 15, 16, 28, 30, 32 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the term “enabling” is indefinite. For example, it is not clear how the method/system/computer program is “allowing” or “not allowing” the user to query the data. An alternative would be to positively recite the steps as suggested – in claim 1: “...querying data representing...”

This is just one example; there are other occurrences in the claims listed above. Please make corrections.

***Claim Rejections - 35 USC §101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requires of this title.

6. Claims 1-14, 30 and 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural

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phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, the claims only recite an abstract idea. In light of the rejections under 112, 2<sup>nd</sup> paragraph, the recited steps of querying data representing sales and displaying a table containing a listing of retailers does not apply, involve use or advance the technological arts since all of the recited steps may be performed manually with or without the aid of any technology.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. In the present case, enabling a user of a computer to query data and displaying a table on a computer is considered nominal recitation of technology since there is no indication that the computer or display involves or uses the underlying process.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. Querying data based on at least one criterion and displaying the results is considered useful, concrete and tangible.

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-14, 30 and 31 are deemed to be directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-10, 12-25 and 27-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby et al, US 6,480,836.

As per **claim 1**, Colby et al teaches enabling a user of a computer to query data representing sales for a plurality of retailers based on at least one criterion from a predetermined list of criteria (column 7, lines 42-61 – user submits queries requesting sales totals per some time period, per some store or geographical area); and causing display of a table on a computer, said table containing a listing of a subset of lottery retailers from said plurality of lottery retailers that meet said at least one criterion, said table further containing data representing lottery ticket sales associated with said subset of retailers (column 7, lines 42-61 – upon submitting query, the table displayed will only have data for which query was submitted – query is based on time period, store or geographical area).

As per **claim 2**, Colby et al teaches causing display of a table on said computer, said table containing a listing of the plurality of lottery retailers and data representing lottery ticket sales associated with said plurality of lottery retailers (column 7, lines 42-47 – a sales detail table is displayed, which inherently lists the retailers and sales data); and causing display of query prompts along with said table for selecting said at least one criterion for said query (column 7,

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lines 42 – 60 – user can submit a query based on, for example, sales totals per some time period, per some store, inherently there is a query prompt if the user is able to submit a query to request sales information).

As per **claim 3**, Colby et al teaches said query includes multiple conditions (column 7, lines 42 – 60 – user can submit a query based on, for example, sales totals per some time period, per some store).

As per **claim 4**, Colby et al teaches said table contains values of an index that compares sales performance of each of the retailers listed in said table (column 7, lines 62-67 – a request can be made for a report that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on per store, inherently, a request could be made for a report comparing sales totals for each of the stores).

As per **claim 5**, Colby et al teaches only data corresponding to the subset of the retailers that satisfy the query are included in the display table (column 7, lines 42 – 60 – user can submit a query based on, for example, sales totals per some time period, per some store, the table that is displayed only shows the data for which the query is submitted).

As per **claim 6**, Colby et al teaches data representing sales associated with said subset of retailers represent total sales of said subset, average transaction value of said subset or both (column 7, lines 62-67 – a request can be made for a report that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on per store, inherently, a request could be made for a report comparing sales totals for each of the stores; the table that is displayed only shows the data for which the query is submitted).

As per **claim 7**, Colby et al teaches said sales data representing total sales represent total sales by time period, by lottery game or by combination thereof, said method further comprising the step of causing said sales data representing said total sales to be displayed to said user on said computer in a chart or graph (column 7, lines 62-67 – a request can be made for a report that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on sales per time period, inherently, a request could be made for a report comparing sales totals for a specified time period; the table (chart) that is displayed only shows the data for which the query is submitted).

As per **claim 8**, Colby et al teaches the step of automatically generating and displaying a summary report of said data representing sales associated with said subset of retailers (column 7, line 62 – column 8, line 5 – in anticipation of a request for a specific query, the database administer automatically prepares a report in a table; column 7, lines 62-67 - a report is generated that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on per store, inherently, a request is made for a report comparing sales totals for each of the stores; the table that is displayed only shows the data for which the query is submitted).

As per **claim 9**, Colby et al teaches receiving a modification to the query input by the user; and dynamically redisplaying said table in accordance with said modification (column 7, lines 42-67 – the user can submit a plurality of queries based on any combination of time period, store, product, etc., if the user submits a query based on time period and then changes his/her mind and resubmits a modified query, the same methodology will take place to display a table representing the modified query).



As per **claim 10**, Colby et al teaches the data are stored in a second computer, and the first computer used by the user is connected to the second computer by way of the Internet (column 4, lines 56-60 and figure 3 – the client (inherently using a computer) sends query information to a database server (inherently a computer holding the data store) over a network).

As per **claim 12**, Colby et al teaches causing to be displayed on said computer a graphical presentation of sales data specific to a retailer selected by said user from said subset of retailers (column 7, lines 42-61 – user submits queries requesting sales totals per some time period, per some store or geographical area; results are shown in a table on a computer (graphical user interface)).

As per **claim 13**, Colby et al teaches enabling a user of said computer to select at least one criterion from a predetermined set of criteria for displaying said graphical presentation (column 7, lines 42-61 – user submits queries requesting sales totals per some time period, per some store or geographical area; results are shown in a table on a computer (graphical user interface)); and modifying and causing to be displayed according to said at least one criterion selected by said user (column 7, lines 42-61 – upon submitting query, the table displayed will only have data for which query was submitted – query is based on time period, store or geographical area).

As per **claim 14**, Colby et al teaches at least one criterion for displaying said graphical presentation includes game type or time period or both (column 7, lines 62-67 – a request can be made for a report (shown on a computer screen) that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on sales per time period,

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inherently, a request could be made for a report comparing sales totals for a specified time period; the table (chart) that is displayed only shows the data for which the query is submitted).

**As per claims 1-10 and 12-14** regarding analysis of lottery retailers, while Colby et al does not explicitly teach the system being used for analysis of lottery retailers, it would have been obvious to one of ordinary skill to use the method in Colby et al to query lottery retailer sales data since Colby et al is used to query retail sales data based on time period, store and/or geographic area (column 7, lines 42-61). Based on Colby et al, it is widely known that business owners used retail sales queries to compare sales totals for specific products for specific time periods. By applying the well known advantages of Colby et al to a lottery retailer, the lottery establishment will be able to determine which lottery games to introduce or discontinue which will lead to a more successful lottery business.

**Claim 15** teaches a computer readable medium with computer program code to perform the steps of claim 1, therefore since Colby et al teaches the use of computer the same rejection as applied to claim 1 also applies to claim 15.

**Claims 16-25 and 27-29** teach the computer-implemented system with means for performing the method of claims 1-10 and 12-14, therefore since Colby et al teaches a computer implemented system, the same rejection as applied to claims 1-10 and 12-14 also applies to claims 16-25 and 27-29.

As per **claim 30**, Colby et al teaches causing display of a table on a computer, the table containing data representing sales for a plurality of retailers, wherein said table contains values of an index that compares sales performance of each of the lottery retailers listed in said table

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(column 7, lines 42-61 – the database scheme includes sales dimension tables, a period dimension table, a store dimension table among others which show sales data for the stores; a aggregate tables are also taught such as a product\_sales table in which sales data is compared); enabling a user of the computer to query the data in the table based on at least on criterion from a predetermined list of criteria (column 7, lines 42-61 –query is based on sales per time period, store or geographical area); and modifying the table to contain a listing of a subset of retailers from said plurality of retailers that meet said at least one criterion, said table further containing data representing sales associated with said subset of retailers, wherein modified values are displayed comparing sales performance of the subset retailers (column 7, lines 42-67 - upon submitting query, the table displayed will only have data for which query was submitted; a request can be made for a report that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on per store, inherently, a request could be made for a report comparing sales totals for each of the stores; the table that is displayed only shows the data for which the query is submitted).

As per **claim 31**, Colby et al teaches only data corresponding to the subset of the retailers that satisfy the query are included in the modified table (column 7, lines 42-67 - upon submitting query, the table displayed will only have data for which query was submitted).

**As per claims 30 and 31** regarding analysis of lottery retailers, while Colby et al does not explicitly teach the system being used for analysis of lottery retailers, it would have been obvious to one of ordinary skill to use the method in Colby et al to query lottery retailer sales data since Colby et al is used to query retail sales data based on time period, store and/or geographic area (column 7, lines 42-61). Based on Colby et al, it is widely known that business

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owners used retail sales queries to compare sales totals for specific products for specific time periods. By applying the well known advantages of Colby et al to a lottery retailer, the lottery establishment will be able to determine which lottery games to introduce or discontinue which will lead to a more successful lottery business.

**Claims 32 and 33** teach a computer readable medium with computer program code to perform the steps of claims 30 and 31, therefore since Colby et al teaches the use of computer the same rejection as applied to claims 30 and 31 also applies to claims 32 and 33.

**Claims 34 and 35** teach the computer-implemented system with means for performing the method of claims 30 and 31, therefore since Colby et al teaches a computer implemented system; the same rejection as applied to claims 30 and 31 also applies to claims 34 and 35.

9. **Claims 11 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby et al, US 6,480,836 as applied to claims 1 and 16 above, in view of Johnson, "Map Out Your Profits".

As per **claim 11**, Colby et al does not explicitly teach causing to be displayed on said computer a map indicating a location of a retailer selected by said user from said subset of retailers. Colby et al does show the store dimension table that includes the street address of retail stores (fig. 5) and comparing sales data per store or per geographic area. Johnson teaches the use of Microsoft Mappoint is a well-known mapping tool used to map sales data and perform many functions involved with analyzing sales data. Since both Colby et al and Johnson are directed to evaluation of sales data, it would have been obvious to combine the sales analysis system of

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Colby et al, including the store address data, with Microsoft Mappoint to generate a map of the store location to visualize where the store is located and to aid the user in comparing performance of sales based on actual location of the stores.

As per **claim 26**, it is the system that performs the method of claim 11; therefore since Colby et al teaches a computer system, the same rejection as applied to claim 11 also applies to claim 26.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koskas, US 6,633,883 – methods of organizing data and processing queries in a database system, and database system and software product for implementing such methods.

Baker et al. Divide and Conquer. Visualizing business data using Microsoft Mappoint 2000.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R Stimpak whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

5/20/05



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